

US Court Upholds Subpoena of Whistleblower Chelsea Manning

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Chelsea Manning yesterday lost the challenge she launched against a subpoena that requires her to be cross-examined by the Grand Jury in the Eastern District of Virginia which was convened in 2010 to decide whether to file charges against WikiLeaks publisher Julian Assange.

Various sources have indicated that the Grand Jury did charge Assange under the 1917 Espionage Act, in either late 2010 or the first half of 2011, and sealed the indictment. A court document dated August 22, 2018, in an unrelated case, effectively confirmed that the charges exist. The document contained two paragraphs, allegedly inserted by mistake, that specifically stated the case had to be sealed in order to “keep confidential the fact that Assange has been charged.”

Judge Claude Hilton dismissed Manning’s motion on undisclosed grounds and also sealed the proceedings, legally proscribing her from speaking about the reasons. Manning, restricted in what she could or could not say, only told journalists outside the court that she now expects to have to answer questions before the Grand Jury multiple times over the coming days.

She condemned grand juries as “terrible tools,” noting that they are effectively run by the prosecutors and “there is no adversarial process.”

The Trump administration and the US Department of Justice were represented at the hearing by Trump appointee US attorney G. Zachary Terwilliger and the high-powered team of lawyers—assistant attorneys Gordon Kromberg, Tracy McCormick, Evan Turgeon and Kellen Dwyer—who will prosecute Assange if he is ever extradited to the US.

The subpoena is an escalation of the US government’s efforts to extradite Julian Assange, and a new and vindictive persecution of Manning—a courageous whistleblower who was subjected to years of solitary confinement. It is part of a bipartisan offensive against freedom of speech, aimed at suppressing critical and independent journalism through the threat of imprisonment and prosecution.

Last week, the *New York Times*, among other publications, noted that the obvious motive behind forcing Manning to once again face questioning in a court is to revisit her testimony that WikiLeaks and Assange played no role in her decision to leak hundreds of thousands of US government documents.

In late 2009–early 2010, when she was serving as an intelligence analyst in Iraq, Manning copied vast amounts of data that contained damning exposures of US war crimes and

abuses in Afghanistan and Iraq, as well as classified diplomatic cables from US embassies and missions around the world. She courageously sought to have the information brought into the light of day.

Manning referred to the Afghan and Iraq logs, in a text file attached to them, as “possibly one of the most significant documents of our time, removing the fog of war and revealing the true nature of 21st century asymmetric warfare.”

On April 3, 2010, WikiLeaks published the video *Collateral Murder*, which graphically showed a US helicopter gunship massacring civilians in Iraq, including two Reuters journalists. Over the following months, it published the Afghan and Iraq logs and the diplomatic cables, in partnership with a range of major newspapers, including the *New York Times*, the *Guardian*, *Der Spiegel*, *Le Monde*, *El Pais* and the *Sydney Morning Herald*.

Manning was arrested on May 29, 2010 and charged by a military court on June 5, 2010 for multiple offences. Over the following three years she was held in maximum security detention and suffered systematic abuse. She pleaded guilty in February 2013 to some of the charges, admitting she had anonymously transferred the data to WikiLeaks, after other media organisations had not shown any commitment to publishing the leaks.

She was finally convicted by a military court on July 30, 2013 on five counts of espionage and other offences and, the next month, sentenced to a draconian 35 years’ imprisonment.

During her trial, Manning rejected prosecutor attempts to have her testify that WikiLeaks and its editor Julian Assange had actively conspired with her to obtain the leaks. Under questioning about what had occurred after she first anonymously sent data to WikiLeaks, she stated:

“No one associated with W.L.O (WikiLeaks) pressured me into sending any more information. I take full responsibility.”

Manning’s sentence was commuted by President Barack Obama on January 17, 2017, in the final days of his presidency. She was not, however, given a pardon. In all she spent close to seven years of her life in a prison cell for letting the world know the truth.

The implications of the questioning of Manning over her statements are wide-ranging.

Firstly, it underscores what WikiLeaks and Assange have insisted since late 2010. The overriding aim of the vendetta against Julian Assange has been to have him extradited to the US to face charges for publishing the whistleblower leaks made by Manning.

The allegations of “collusion” with Russia over leaks published by WikiLeaks during the 2016 presidential election have always been a political pretext to justify sweeping internet censorship of all independent and critical media.

The public unveiling of espionage or conspiracy charges in the US could well become the pretext for the government of President Lenín Moreno in Ecuador to carry through on its implicit threats to evict Assange from its embassy in London, where a previous government granted him political asylum. Since March last year, Moreno’s administration has denied Assange any ability to communicate with the outside world, while steadily rebuilding

military, economic and diplomatic ties with Washington.

Secondly, Manning herself, after all she had been through, could potentially face new charges, such as contempt of court, if she refuses to answer questions posed by prosecutors before the Grand Jury.

Finally, and most significantly, if Manning's subpoena is the prelude to the unveiling of charges against Assange as the editor of WikiLeaks, it raises the possibility of the Trump administration also moving to file criminal charges against the editors of all the other publications that took part in revealing the leaks made by Manning. Again, these particularly include the *New York Times*, the *Guardian*, *Der Spiegel*, *Le Monde*, *El Pais* and the *Sydney Morning Herald*.

The US First Amendment does not prevent the government from prosecuting the media after they publish classified material. The 1971 Pentagon Papers decision, for example, ruled only against the government preventing or blocking publication. While the 1917 Espionage Act has not been used against a media organisation before, Assange and WikiLeaks may well be the precedent.

The situation highlights the importance of the Socialist Equality Party's campaign to demand that the government immediately intervene to secure the right of Assange—an Australian citizen—to immediately leave the Ecuadorian embassy and return to his home country, with guaranteed protection from any extradition request by the US.

Hundreds of people participated in a demonstration March 3 to demand Assange's freedom, which won the endorsement of a number of well-known intellectuals and artistic figures, including Pink Floyd co-founder Roger Waters, journalist John Pilger, and civil rights activist Stuart Rees.

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